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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,167	01/14/2000	Ronald Bjorklund	838	8032

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EXAMINER

YANG, CLARA I

ART UNIT PAPER NUMBER

2635

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/483,167

Applicant(s)

BJORKLUND ET AL.

Examiner

Clara Yang

Art Unit

2635

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 03 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 35 and 36.Claim(s) objected to: 49,50,56 and 57.Claim(s) rejected: 34,37-48,51-55 and 58.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☐ Other: _____


BRIAN ZIMMERMAN
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments filed on 3 January 2005 have been fully considered but they are not persuasive. On page 11, the applicant argues the "the Examiner simply ignores the other expressly recited claim feature that the 'second second-tier base station is intermediate the first second-tier base station and the remote unit.'" As support, the applicant states the "Mahany teaches that communication with the printer 3013 occurs from the access point 3021 to the printer 3013 or from the terminal 3007/3031 to the printer, but not from the access point 3021 to the printer 3013 through an intermediate terminal 3007/303." The examiner disagrees. Referring to Mahany's Fig. 28a, Mahany teaches that a premises LAN includes a hard-wired backbone LAN 3019 and access points 3015 and 3017 and that host computer 3011 is directly attached to backbone LAN 3019 (see Col. 43, lines 62 - 67). Mahany adds that mobile devices (such as code scanner 3009 and terminal 3007) can maintain connectivity to backbone 3019 through a multi-hop network of access points as illustrated by access points 3015 and 3017 (see Col. 43, line 67 and Col. 44, lines 1 - 5). As an example, Mahany teaches that as soon as it gathers information from a box, code reader 3009 (i.e., a remote unit) relays gathered information via a peripheral LAN to terminal 3007. Upon receipt, terminal 3007 communicates via the premises LAN (i.e., a hard-wired backbone LAN 3019 and access points 3015 and 3017) to host computer 3011 in order to acquire related information on the box. Host computer 3011 then forwards the related information to terminal 3007, which determines that printing is desired and forwards the collected code information to printer 3013. (See Col. 44, lines 32 - 51.) In an alternate configuration, a peripheral LAN access point 3021 is connected to backbone 3019 to indirectly connect peripheral devices to backbone 3019 via access points 3015 and 3017 (see Col. 45, lines 17 - 26). In the alternate configuration, terminal 3007 is able to communicate with host computer 3011 via access point 3021, access point 3015/3017, and backbone 3019. In other words, Mahany's access point 3021 is a second second-tier base station that is wirelessly coupled to access points 3015 and 3017 (which are first-tier base stations coupled to host computer 3011 via backbone 3019) and terminal 3007 (which is a second second-tier base station that communicates with code reader 3009 and printer 3013). Thus, contrary to the applicant's arguments, Mahany does teach a "second second-tier base station is intermediate the first second-tier base station and the remote unit" as required by claims 34, 47, and 55.